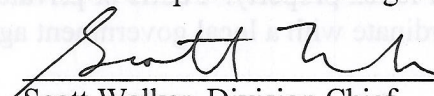


Ted Rauh
April 26, 2010
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PROGRAM MANAGER ACTION REQUEST

To: Ted Rauh, Program Manager
Waste Compliance and Mitigation Program

From: 
Scott Walker, Division Chief
Cleanup, Closure and Financial Assurances Division

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Reviewed By: Steve Levine, Legal Office
Marie Carter, Legal Office
Cara Rothenbaum, Budgets Office

Prepared On: April 7, 2010

Subject: **REQUEST FOR APPROVAL OF GRANT AWARDS FOR THE
FARM AND RANCH SOLID WASTE CLEANUP AND
ABATEMENT GRANT PROGRAM (FARM AND RANCH
CLEANUP ACCOUNT, FY 2009/10)**

TIME FACTOR: Approval required no later than May 15, 2010

SUMMARY: This memo requests Program Manager approval of three Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) grants in the amount of \$77,566 for the third and final cycle of FY 2009/10. There is currently \$307,497 remaining in the fund. If the proposed grants are approved, \$229,931 will remain in the fund as unencumbered for the fiscal year.

OPTIONS: The Program Manager may decide to:

1. Approve the proposed grant awards and direct staff to enter into grant agreements with the awarded applicants; or
2. Disapprove the proposed awards and direct staff as to further action.

RECOMMENDATION: Staff recommends Option 1.

DISCUSSION: Senate Bill 1330 (Lockyer, Statutes of 1997, Chapter 875) established a grant program under which cities and counties may seek financial assistance for cleanup of illegal solid waste disposal sites on farm or ranch property. Public or private property owners that desire grant funding must coordinate with a local government agency as the applicant.

Properties eligible for grants include those involving a broad range of agricultural activities (e.g., farms, ranches, horticulture activities, and silviculture activities) where the property owner is not responsible for the illegal disposal or dumping based on a determination by the city or county. The Program's funding is primarily used to pay for the removal and proper disposal of small nuisance illegal dump sites containing non-hazardous solid waste, including but not limited to, tires and incidental amounts of household hazardous materials, and for site security measures to prevent recurrence of illegal disposal after the projects are completed.

Grant Applications for the third cycle of fiscal year 2009/2010 were due to CalRecycle on March 1, 2010. Four grant applications were received. One application was denied as the waste on the site proposed for cleanup was not illegally disposed. The remaining three applications, totaling 11 sites, were reviewed and scored using the approved scoring criteria and evaluation process and each received a passing score.

Public Resources Code Section 48103(e) and 14 CCR 17992.2(a) allow an owner to receive reimbursement for solid waste cleanup and/or abatement costs under the Program. Applications for reimbursement are scored using the Board-approved scoring criteria and evaluation process. Any reimbursement grants are specifically noted in the descriptions of the project and, if recommended for approval, receive the necessary score to be eligible and receive available funding.

A signed affidavit was submitted by each of the property owners, or authorized agent for the property owner, for the eligible sites. The affidavits state that neither the property owner, nor any other person allowed on the property, directed, authorized, permitted or otherwise consented to the disposal of solid waste onto their property. Furthermore, each application includes a statement by the local government applicant that supports the property owner's affidavit. A brief summary of the proposed grants is as follows:

Mariposa County - Reimbursement Grant

Grant Funds Recommended for Approval: \$9,400

Number of Sites: 1

A 22-acre parcel zoned for agriculture in rural Mariposa County had been dumped on by squatters for many years. The land is zoned for agriculture, but is currently fallow. The current landowners purchased the property to raise goats, but first had to get rid of the huge piles of waste. The waste was a nuisance, a threat to public health and safety and the environment. While the current owners purchased the property with waste on it, they attest they did not pay a reduced price for the property, nor did they purchase the property "as is" due to the presence of the waste. The landowners spent their own money to clean up the site and are now seeking

reimbursement. Future dumping will be discouraged by increased property patrols, a large security light, the posting of signs, secure fencing and locked gates.

Placer County - Reimbursement Grant

Grant Funds Recommended for Approval: \$1,000

Number of Sites: 1

Over 400 tires, previously covered by vegetation, were recently discovered by a landowner on his agriculturally zoned property in Lincoln. The owner purchased the property twelve years ago and grazes cattle on the land. Most of the tires have been removed and the owner would like to have the remaining large truck tires removed and be reimbursed for his previous expenses. The property is fully fenced so the opportunity for future dumping is minimal.

Trinity County Resource Conservation District

Grant Funds Recommended for Approval: \$67,166

Number of Sites: 9

Nine heavily forested sites zoned for timberland production have illegal disposal piles on them. The waste interferes with the natural drainage, is a hazard to forest animals and an attractive nuisance. The cost for cleanup is relatively costly due to the rugged terrain and remoteness of the area. The sites are all public lands, owned by the Bureau of Land Management and the U.S. Forest Service. Upon cleanup, no dumping signs will be posted and a public education campaign will be conducted to make the public more aware of the hazards of dumping.

ESTIMATED COST: There is currently \$307,497 remaining in the fund. If the proposed grants are approved, \$229,931 will remain in the fund as unencumbered for the fiscal year.

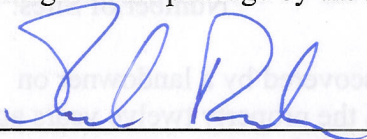
1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Farm & Ranch Cleanup Account, FY 2009/10	\$307,497	\$ 77,566	\$ 229,931	Grants

APPROVED: On the basis of the information and analysis in this Request for Action and the findings set out above, I hereby approve grants totaling seventy-seven thousand, five hundred sixty-six dollars (\$77,566) and direct staff to develop and execute the Grant Agreements with the following:

Mariposa County.....	\$ 9,400
Placer County.....	\$1,000
<u>Trinity County Resource Conservation District</u>	<u>\$67,166</u>
Total	\$77,566

The award of each grant is conditioned upon full payment within ninety (90) days of the date of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed Grantee to the Department of Resources, Recovery, and Recycling.

The award of each grant is further conditioned upon the return by the proposed Grantee of a complete and executed Grant Agreement within ninety (90) days from the date of the mailing of the agreement package by the Program.



Ted Rauh, Program Manager
Waste Compliance and Mitigation Program

APRIL 26, 2010

Date

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Farm & Ranch Cleanup Account, FY 2009/10	\$207,497	\$ 77,566	\$ 229,931	Grants